

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Jochem Confirmation No. 8372
Serial No.: 10/804,906 Examiner: Edmond Lee
Filed: March 19, 2004 Art Unit: 1732
For: Apparatus and Method for Producing Decorated Plastic Product

RESPONSE TO OFFICE ACTION

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Barnes & Thornburg Customer No: 23643 U.S. Patent and Trademark Office

Sir:

In response to the 18 July 2006 final office action, please consider the following remarks.

Claims 1-4, 11-12, 16-17, 19-21 and 24-26 are rejected as anticipated by Andersen et al. (U.S. Patent No. 5,766,525). Claims 5-6, 13, 22 and 27 are rejected as unpatentable over Andersen et al. Claims 7-10, 14, 18 and 23 are withdrawn from consideration as directed to a nonelected invention.

Andersen et al. is directed to making articles from hydraulically settable material, e.g., concrete. Note the definition of hydraulically settable material in column 22 (entire column). At column 9, lines 13-16 it is stated that “[u]nlike the manufacture of plastic or polystyrene, the hydraulically settable materials of the present invention utilize little or no petroleum-based products or derivatives as starting materials.” Thus, Andersen et al. is not making articles from “plastics” which the dictionary defines as “any of various nonmetallic compounds, synthetically produced (usually from organic compounds by polymerization), which can be molded into various forms and hardened for commercial use.”

Andersen et al. states

[t]he present invention accomplishes its goal through the steps of (1) preparing a hydraulically settable mixture including the components of hydraulically settable binder, water and selective additives, such as a rheology-modifying agent, aggregates, and fibers; (2) extruding the mixture into a sheet having sufficient tensile strength to be drawn; (3) feeding the sheet between at least one set of rollers to form the sheet into the desired thickness; (4) fashioning a portion of the sheet into a desired shape for a container or desired article of manufacture; (5) imparting form stability to the container while the mixture is in the green state; (6) drying the mixture to gain strength in the desired shape of the container; and, when desirable, (7) applying a coating so as to finish the surface of the container and make it water resistant; (8) fixing desired print on to the container; and finally, (9) cutting the container from the remainder of the sheet for subsequent packaging and transport of the container. (Column 18, lines 50-67).

Thus, Andersen et al. do not disclose the step of “extruding a strip of plastics material” as recited in each of the independent claims (Nos. 1, 11, 15 and 19) of the present application. For this reason, the claims are not properly rejected over Andersen et al.

Additionally, independent claims 1, 11, 15 and 19 require thermoforming the strip after the dispensing act. Andersen et al. do not teach or suggest this step.

For the above reasons, it is submitted that all of the claims (Nos. 1-6, 11-13, 16-17, 19-22 and 24-27) are in condition for allowance and entry of the present amendment and allowance of the application is, respectfully, requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (5723-72304).

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, reading "Richard B. Lazarus". The signature is written in a cursive, flowing style with a large, prominent "L" at the end.

Richard B. Lazarus

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